City of Fremont Initial Study

1. **Project**: Thermo Fisher Scientific (PLN2013-00081)

2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**

   City of Fremont Community Development Dept.
   39550 Liberty Street, 1st Floor
   Fremont, CA 94538

3. **Lead Agency contact person:**

   Stephen Kowalski, Associate Planner
   Phone: (510) 494-4532
   E-mail: skowalski@fremont.gov

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4. **Project location:** 45600 Fremont Boulevard, Fremont, CA 94538 (APN: 519-0850-105-03)

5. **Project Sponsor's name and address:**

   GEIS Companies (Jeffrey Martin, President)
   10020 Aurora-Hudson Road
   Streetsboro, OH 44241
   Phone: 330-528-3500

6. **General Plan Land Use Designation:** Industrial - General

7. **Current Zoning:** General Industrial (G-I) (approximately 16 acres) and General Industrial w/ Flood Combining District (G-I[F]) (approximately 6 acres)

8. **Description of project:**

   The applicant, on behalf of Thermo Fisher Scientific, is proposing to construct a 275,000 square foot industrial design and manufacturing facility on a vacant 22.3-acre lot located at 45600 Fremont Boulevard. Project entitlement for the permitted use includes Design Review, Preliminary Grading Plan, and water line extension encroachment permit. The proposed facility floor plan contains 169,250 square feet of manufacturing plant floor area, 53,250 square feet of office and research and development (R&D) space, and 52,500 square feet of ancillary storage space. The facility also includes a ±5,000 square foot mechanical equipment enclosure along the north side of the property adjacent to the building's shipping and receiving docks. The project will have a Floor Area Ratio (FAR) of 28% where 35% FAR is allowed within the General Industrial zoning district.

   The building design for the facility features a single-story floor plan with the office and R&D areas located at the front of the building adjacent to the main entrance, with the laboratory and manufacturing facilities occupying the remainder of the building to the rear. The highest point of the roofline of the plant will measure slightly more than 39 ½ feet above the finished floor elevation, while the height of the office portion of the building will measure 32 feet. The mechanical equipment enclosure will measure approximately 10-12 feet in height and will be constructed of louvered metal siding. The overall building design features standard industrial tilt-up architecture with straight parapets, a combination of pre-fabricated concrete and metal panel siding around the plant with aluminum-framed window and door systems on the office portion of the facility.

   The applicant is proposing to grade the site to create a level surface for the building, parking/circulation and delivery/service areas, and this will require total grading in the amount of 113,000 cubic yards of cut and 98,350 cubic yards of fill. Access to the site will consist of two new driveways off of Kato Road (formerly the private frontage road serving the Tesla plant located to the north of the site at 45500 Fremont Boulevard) for employees and visitors, and a third driveway along the northern edge of the site that runs parallel to an Alameda County Flood Control District channel (Zone 6, Line F) for truck traffic,

shipping/receiving, and emergency vehicle access. A total of 701 vehicular parking spaces will be provided on the site, as well as 70 bicycle parking stalls. Bio-retention (landscape-based) areas for stormwater treatment will be provided in planters located along the perimeters of the site and within parking lot landscape islands. Decorative landscaping will be provided throughout the parking areas and along the perimeter of the site.

The proposed project also includes street frontage improvements to add bike lanes, sidewalks and landscape planters to the current private roadway segment of Kato Road abutting the site. The abutting segment of private road will then be dedicated to the public upon development of the site. The project also requires an off-site extension of 12-inch water main loop line to serve the subject site. The project would extend the existing public water main located within the Kato Road public right-of-way to the southeast parallel to the private segment of Kato Road fronting the project site approximately ½ mile northeast, and connect it to the existing main located across Interstate 880 within the Landing Parkway public right-of-way. The connection will run underneath the interstate (to be constructed utilizing the jack and bore method) and will require an encroachment permit from the California Department of Transportation (Caltrans) and to conform to their specifications for encroachment. The location, alignment, and construction of the extension will also be subject to specifications and approval by the Alameda County Water District (ACWD) and City of Fremont Public Works Department. No closures of public roadways are proposed as part of the project.

9. Surrounding land uses and setting:

The project site consists of 22.3 acres of approximately 53 acres of undeveloped land located directly south of the Tesla- automobile manufacturing plant and northeast of the interchange of State Route 262 and Interstate 880. The site takes its access from the existing private frontage road (Kato Road) that provides access into the Tesla factory to the north and the public portion of Kato Road to the south. The vacant area was previously modified in 2005 through 2007 when the abutting private street was rerouted and rebuilt to allow for a new freeway interchange connector ramp to be built.

The subject 22.3 acre property has never been developed and has been use for the growing of alfalfa. As of October 2012, the land lies fallow after the last cutting of alfalfa and the land was tilled under for the winter. The topography of the site features a gradual rise of approximately 1% from the Kato Road property line to a point approximately 1,000 feet eastward where a man-made mound consisting of old spoils rises roughly 10 feet over the rest of the terrain. There are no structures on the site. The private Kato Road is approximately 40 feet in width and paved with concrete. There are no existing frontage improvements along Kato Road. The project site abuts an Alameda County Flood Control District open, earthen channel to the north (Zone 6, Line F) containing the westerly flow of Agua Caliente Creek, beyond which lies the Tesla facility. There is a drainage outfall at the western edge of the site abutting the private street crossing of the drainage channel where the channel enters a culvert.

The Interstate 880 freeway is approximately 100 feet to the west across the frontage road. Vacant lands surround the property to the south and east. A Union Pacific rail line and switching line runs north-south along the eastern edge of the abutting vacant lands. An existing drainage ditch traverses the frontage of the site along the downhill side of Kato Road which collects runoff from the street and conveys it to the flood control channel downhill to the north. The project area is currently served by all essential utilities except for municipal water service; therefore, only water service must be extended to the site in order to accommodate the proposed project.

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

[ ] YES	[X] NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
[ ] YES	[X] NO	A Notice of Preparation is being prepared for this project.
[ ] YES	[X] NO	An Environmental Impact Report is being prepared.

11. **Other public agencies requiring approval:** Water Line Extension Encroachment Permit- Alameda County Water District (ACWD); California Department of Transportation (Caltrans); Emergency Generator- Bay Area Air Quality Management District (BAAQMD).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture and Forrest Resources	X	Air Quality
X	Biological Resources		Cultural Resources		Geology / Soils
	Hazards & Hazardous Material	X	Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources		Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems		Mandatory Findings of Significance

PREVIOUS ENVIRONMENTAL ANALYSES:

City of Fremont recently certified the Final EIR (SCH#2010082060) for the General Plan Update and approved the General Plan Update on December 13, 2011. Subject site was designated General Industrial at the time the General Plan was approved and the proposed project is a permitted by right use consistent with the General Plan.

DETERMINATION BY THE CITY OF FREMONT:

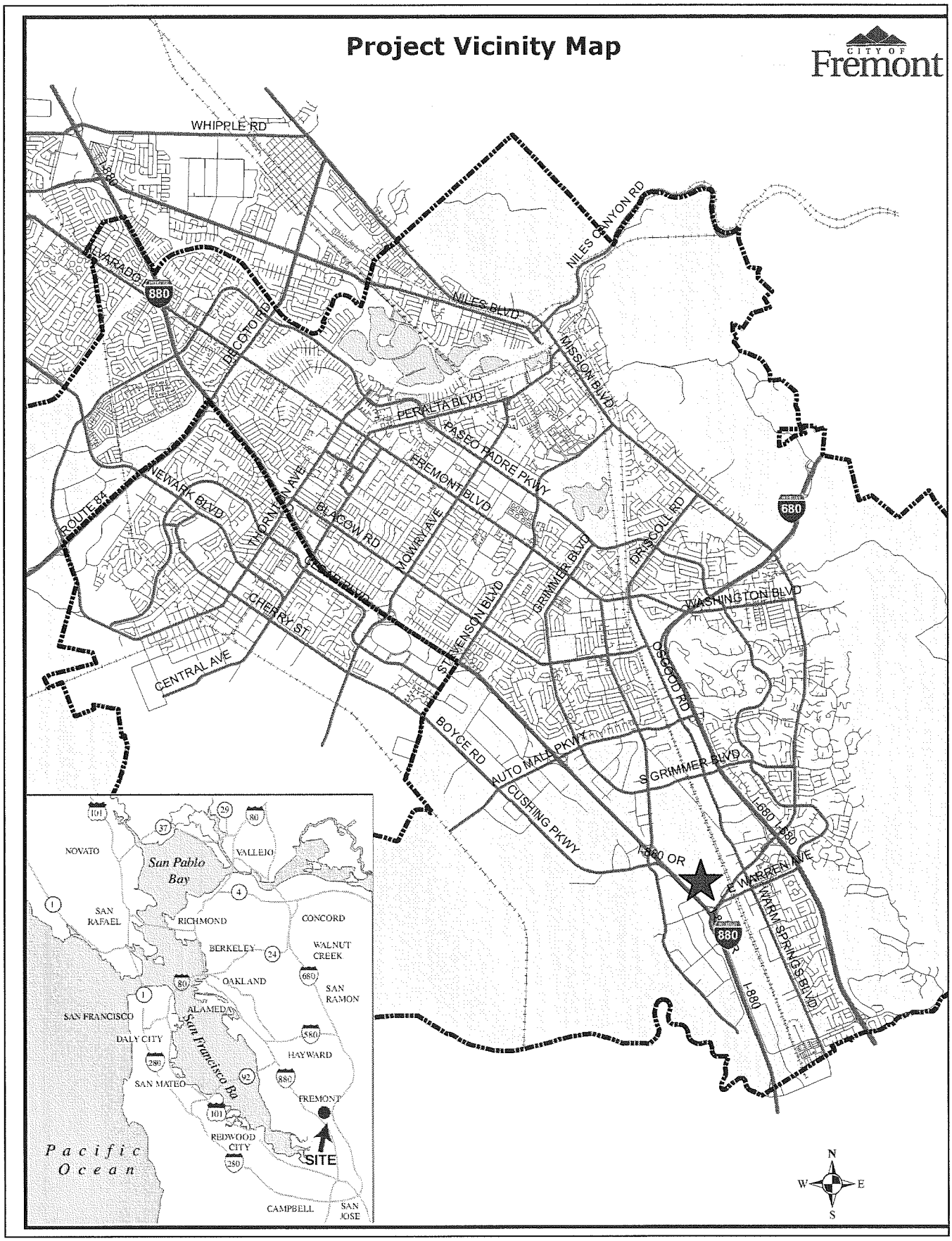
On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: 12/7/12

Printed Name: Stephen Kowalski For: City of Fremont

Senior Planner Review: Kelly Diekmann


Project Vicinity Map
CITY OF Fremont
WHIPPLE RD
ALVARADO
880
DECOTO RD
NILES BLVD
NILES CANYON RD
MISSION BLVD
PERALTA BLVD
PASEO PADRE PKWY
FREMONT BLVD
NEWARK BLVD
ROUTE 84
THORNTON AVE
BLACOW RD
MOWRY AVE
CHERRY ST
CENTRAL AVE
GRIMMER BLVD
DRISCOLL RD
WASHINGTON BLVD
OSGOOD RD
S GRIMMER BLVD
BOYCE RD
AUTO MALL PKWY
CUSHING PKWY
I-880 OR
E WARREN AVE
WARM SPRINGS BLVD
I-880
680
NOVATO
San Pablo Bay
VALLEJO
SAN RAFAEL
RICHMOND
CONCORD
BERKELEY
WALNUT CREEK
OAKLAND
SAN RAMON
SAN FRANCISCO
ALAMEDA
DALY CITY
HAYWARD
SAN MATEO
San Francisco Bay
FREMONT
REDWOOD CITY
SITE
Pacific Ocean
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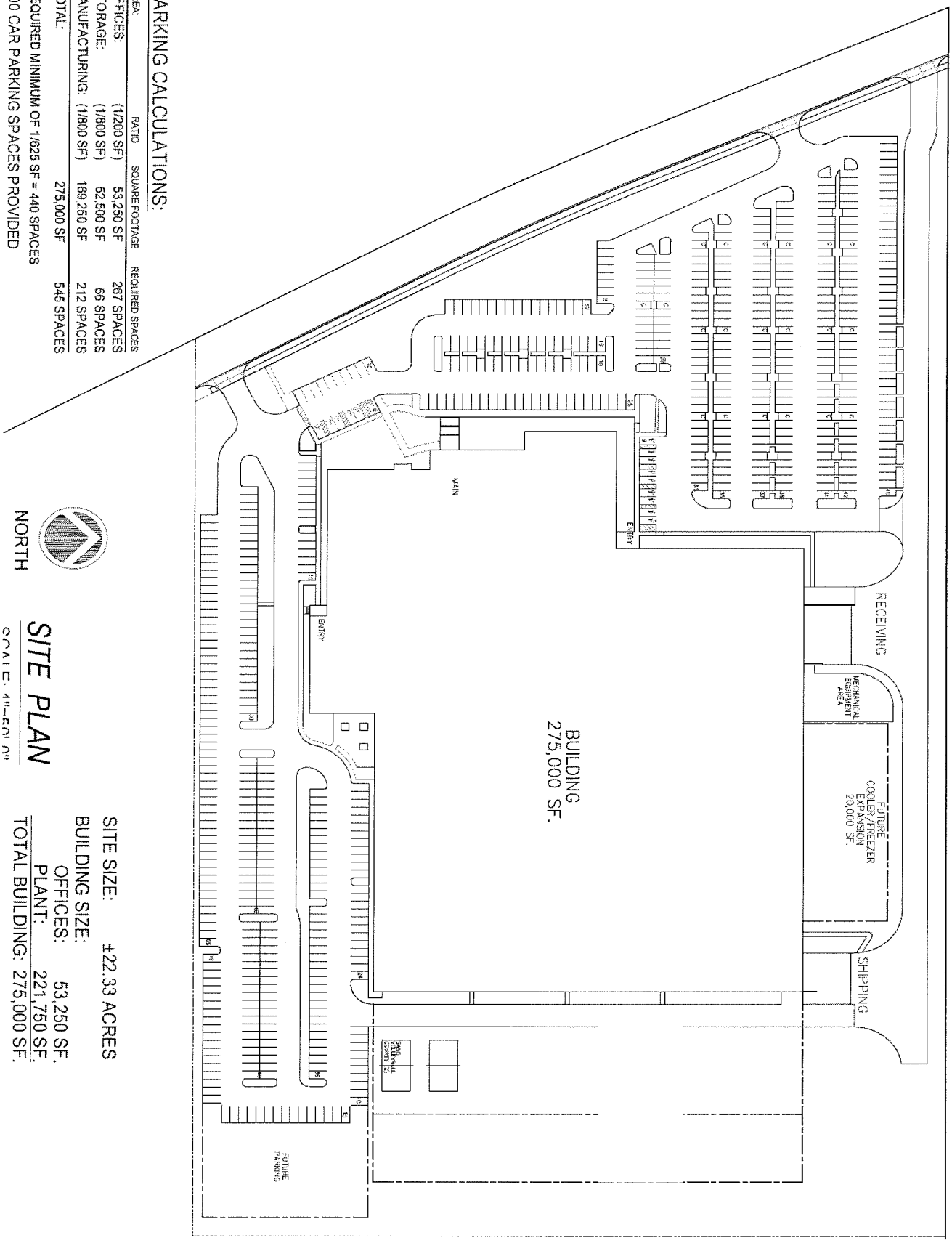
PARKING CALCULATIONS:
AREA: RATIO SQUARE FOOTAGE REQUIRED SPACES
OFFICES: (1/200 SF) 53,250 SF 267 SPACES
STORAGE: (1/800 SF) 52,500 SF 66 SPACES
MANUFACTURING: (1/800 SF) 169,250 SF 212 SPACES
TOTAL: 275,000 SF 545 SPACES
REQUIRED MINIMUM OF 1/625 SF = 440 SPACES
700 CAR PARKING SPACES PROVIDED
NORTH
SITE PLAN
SCALE: 1"=50'-0"
SITE SIZE: ±22.33 ACRES
BUILDING SIZE:
OFFICES: 53,250 SF.
PLANT: 221,750 SF.
TOTAL BUILDING: 275,000 SF.
BUILDING 275,000 SF.
RECEIVING
SHIPPING
FUTURE COOLER/FREEZER EXPANSION 20,000 SF.
MECHANICAL EQUIPMENT AREA
MAIN ENTRY
ENTRY
FUTURE PARKING

I. **AESTHETICS** - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect on a scenic vista?				X	1, 2, 11,B
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 2, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X	1, 2,3, 11,A,B
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X	1, 2,3, 11,A

Comment: The project is located adjacent to Interstate 880 to the west and the elevated Mission Boulevard/SR 262 interchange further to the south. The adjacent Tesla auto-manufacturing plant to the north is approximately 5 million square feet in size and in excess of 50 feet in height. The General Plan identifies no specific scenic resources attributable to the subject area as the main open space frame of the City is the baylands to the west and Mission Peak to the east. The building will be similar in height, mass and architectural style to the other large, new industrial buildings in the immediate vicinity, including the Solyndra manufacturing facility and Transcontinental Newspaper printing facility located across Warren Avenue and the Mission Boulevard SR262 interchange to the south. It would also be significantly smaller than the neighboring Tesla plant immediately to the north; therefore, it will not create a significant change to the architectural character or scale of the surrounding general industrial area. The project design includes lighting controls that conform to the standards of the Fremont Municipal Code and will not have an adverse effect on views.

The site does not contain any existing historic structures or significant trees or rock outcroppings that would have to be removed to accommodate the proposed project. For these reasons, the project will not impact aesthetic resources, and no mitigation is required.

II. **AGRICULTURE AND FOREST RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 19, 20, D
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 19, 20, D

c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code § 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Comment: The Farmland Mapping and Monitoring Program identifies the project areas as "urban and built up land." Further, there are no agriculturally-zoned lands or existing Williamson Act contracts in project area. Although the property is maintained through agricultural practices, it is not used for agricultural production on a commercial scale. As such, no agricultural resource or forest resource impacts would result from the project.

III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?				X	2,8, 21
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	28, 218
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X	2, 8,21,
d.	Expose sensitive receptors to substantial pollutant concentrations?				X	1, 3, 8, 21,
e.	Create objectionable odors affecting a substantial number of people?				X	1, 3

Comment: The Bay Area Air Quality Management District (BAAQMD) has jurisdictional authority and permitting requirements for the subject air basin through implementation of the Clean Air Plan. BAAQMD addresses stationary source emissions as part of its permit-to-operate regulations, including emergency generator permits.

The City of Fremont assesses air quality impacts as operational impacts from projects on criteria pollutants identified in the adopted Clean Air Plan. The Clean Air Plan focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest such monitoring station is #1014 at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include Reactive Organic Gases (ROG), Nitrous Oxides (NOx), and Particulate Matters (PM10 and PM2.5). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs. per day for ozone precursors. General conformity to

the Clean Air plan considers qualitative analysis of consistency with planning assumptions and growth estimates for the City and Bay Area.

The project is consistent with the underlying General Plan land use designation of Industrial and conforms to the land use assumptions of the Clean Air Plan for growth and type of use as it is less than the allowable FAR that is permitted to be built. The calculating worst case daily emissions of the project were done using the Urbemis model for a 170,000 square feet of manufacturing use and 75,000 square feet of general light industrial use. Fremont's traffic trip generation estimate is 1,275 average daily trips while Urbemis estimated about 10% fewer trips. The City modified the inputs to the Urbemis model to account for lower VOC content for area sources and proximity to local retail east of the site, the modifications resulted in reduction of less than 7% for each pollutant from defaults. As shown below the project does not have a considerable contribution to criterion pollutants in the air district based on thresholds of generating less than 54 lbs. a day.

Pollutants:	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Totals:	8.46	9.55	84.2	0.09	16.6	3.19

None of these estimated levels exceed current BAAQMD thresholds. Based on the results of the air quality model, the proposal does not create a project-specific or cumulatively considerable net increase in any criteria pollutant per BAAQMD CEQA Guidelines for the air basin. The proposed use is also consistent with the zoning and General Plan land use designation for the property, thereby resulting in no impacts or conflicts with the regional air quality plan which contemplated development throughout the City in accordance with the General Plan.

Regarding sensitive receptors, the closest residential units are located approximately 2,650 feet to the east and the closest school is 4,200 feet to the southeast. The site access will be direct access to the project site along Kato Road from Interstate 880 and State Highway Route 262 (Mission Boulevard), and does not add additional truck routes to the area or near sensitive receptors. Due to site context and proposed use of the site, there is no impact of increased risk of exposure to toxic air containments and no project specific mitigation is required.

Implementation of grading and construction activities for the project will potentially result in short-term air quality impacts such as dust generated by clearing and grading activities, exhaust emissions from gas- and diesel-powered construction equipment, and vehicular emissions associated with the material hauling and daily commuting of construction workers. Local particulate concentrations would increase during construction, and, absent mitigation, it is likely that the State's particulate standard may be temporarily exceeded in surrounding areas. Due to the distance from sensitive receptors diesel emissions do not require project-specific mitigation measures. Per BAAQMD standards, addressing implementation of BMP for dust control construction does not have long term effects on air quality and is a temporary effect that requires mitigation to reduce its impacts to a less than significant level. The following dust control measures will be required to mitigate any potential impact to a less-than-significant level:

Mitigation Measure #1 :
Prior to the issuance of a permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*

3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
7. *Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			1, 8, C
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	1, 8, C
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 8, C
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	1, 8, C
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	1, 8, 24, C
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	1, 8, C

Comment: The City of Fremont hired LSA Associates Inc. to perform a biological assessment of the subject site in October of 2012 and prepared a final report dated November 2012. As part of the assessment there was a site reconnaissance visit by a biologist to identify any potential for sensitive plant and wildlife species, sensitive habitats, and biological constraints. The assessment notes the condition of the property to be that of an undeveloped open field that was recently tilled, consistent with the

description of the use of the property to grow alfalfa in recent years. Also noted were the roadside ditches and outfall to the abutting flood control channel. The results of the assessment were that no sensitive species or plants were identified on the site, nor was their presence of sensitive habitat on or near the subject site. However, due the condition and location of the site there was potential for specific special status species of burrowing owls and various nesting birds to be present in the future at the time of site disturbance for construction. To ensure there is no potential take or disruption of special status species during construction of the project, the following mitigation measures will be implemented to mitigate impacts to the species to a less-than-significant level:

Mitigation Measure #2 - Burrowing Owl Protection:
To mitigate the identified potential impact to future occupation of the site by burrowing owls the following measures shall be shall be incorporated into the project conditions of approval and written into the construction drawings:

a) *No more than 14 days prior to any ground-disturbing activities (regardless of time of year), a qualified biologist shall conduct a take avoidance survey for burrowing owls and report the findings to the City of Fremont. If no owls are found during this first survey, a final survey will be conducted within 48 hours prior to ground disturbance to confirm that burrowing owls are still absent and the results reported to the City of Fremont. If ground-disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the property must be re-surveyed.. All surveys shall be conducted in accordance with California Department of Fish and Game (CDFG) 2012b guidelines.*

b) *If burrowing owls are found on the property during the surveys, mitigation shall be required in accordance with CDFG 2012b guidelines. If the surveys identify breeding or wintering burrowing owls on or adjacent to the property, occupied burrows shall not be disturbed and shall be provided with protective buffers. Where avoidance is not feasible, an exclusion plan shall be implemented to encourage owls to move away from the work area prior to construction. The exclusion plan shall be subject to CDFG approval and monitoring requirements and approved by the City prior to issuance of a permit for ground disturbing activities. .*

Mitigation Measure #3 – Nesting Bird Protection:
To mitigate the identified potential impact to nesting birds, the project should avoid construction activities during the nesting season (February 1 through August 31). If construction during the nesting season cannot be avoided, pre-construction surveys for native birds that may nest on or adjacent to the property should be conducted and findings reported on to the City. If active nests are found, appropriate buffer zones (typically 50-100 feet non-raptors, 200 feet raptors) considering context and type of activities during construction will need to be established and approved by the City prior to initiation of ground disturbing activities. The buffer zones will need to be maintained around the nests until the nests are determined to be inactive by a qualified biologist and authorized by the City.

The biological survey did not find any other potential special status habitat on the site, and there are no existing trees on the property. For these reasons, no additional impacts to biological resources will result from the project, and no further mitigation is necessary.

V. CULTURAL RESOURCES - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	1, 11, 28, 29
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X	1, 11, 28, 29
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	1, 11, 28, 29
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X	1, 11, 28, 29

Comment: No known significant historical, paleontological or archaeological resource, structure or object has been identified either on the project site or in the general area of the project site. There are no known unique cultural resources, and, therefore, no potential for restrictions. However, should any human remains or historical or unique archaeological resources be discovered during grading or construction of the project, the provisions of CEQA Guidelines, Section 15064.5(e) and (f) for notification and evaluation will be followed to reduce impacts to such resources to a less-than-significant level.

VI. GEOLOGY AND SOILS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 5, 6
	ii) Strong seismic ground shaking?			X		1, 5, 6
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6, E
	iv) Landslides?				X	1, 5, 6
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6, E
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?			X		1, 5, 6, E
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

Comment: The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the 2004 State of Geologic and Seismic Hazard Zones map, the project site is located in an area that is susceptible to ground failure as a result of liquefaction caused by a seismic event.

As such, all structures must be designed in conformance with geotechnical and soil stability standards as required by the California Building Code (CBC). Conformance to the applicable CBC standards will result in the project having no significant geological impacts to the site, its occupants, or the adjacent properties from potential ground failure.

A soils report was conducted for the site by Geotechnical Engineering, Inc. (GEI) in May 2012 which identified the presence of expansive (clayey) soils on the project site. The report contained specific recommendations to mitigate the impact of expansive soils on the development of the property, including the employment of lime treatment during grading for the soils underneath the building pad and all paved parking and circulation areas. The City's geotechnical consultant, Pacific Geotechnical Engineering, conducted a peer review of GEI's report in November 2012 and concurred with its findings and recommendations. Conformance to the recommendations of the soils report and subsequent peer review will reduce the potential for geological hazards to the project from expansive soils to a less-than-significant level, and no further mitigation is needed.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X	1, 3, 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 3, 8, 21, 22, 23

Background: With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a Statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG analysis uses carbon dioxide equivalents (CO_2e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO_2. The State 2005 GHG emission inventory was 479 million metrics tons of CO_2e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO_2e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO_2e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO_2e for every person in California down to about 10 tons per person by 2020. The City of Fremont greenhouse gas emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489 for a per capita rate of 6.52 metric tons of CO_2e per service population. The City's 2011 General Plan considered development and growth projections through 2020 (AB 32 target year) and estimated new growth of housing and commercial uses of an additional 6,125 residential units and 3,000,000 square feet of commercial uses that will generate 193,985 metric tons of CO_2e at a per capita rate of 6.0 metric tons of CO_2e.

Comment: Because of the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State of California to achieve AB 32's goals. This is identified within the City's General Plan Conservation Element and certified EIR as the context for reviewing project effects and global climate changes. The General Plan EIR established analysis considering the projected increase in emissions from new growth through the year 2020.

The emissions estimate for the project is between 2,300 and 3,250 metric tons of CO2e. The estimate was prepared using the BAAQMD modeling tools of URBEMIS 2007 v 9.2.4. and the spreadsheet program BGM Calculator 1.1.9. The estimate was generated based on the details of the Air Quality analysis from Urbemis and includes accounting for Title 24 and plumbing code changes in the BGM model default. Computation of categories of emissions has 45% of the emissions associated with transportation, 38% for energy use, and 17% for other categories. The proposed project is consistent with the attributes and land use type of Standard Industrial identified in the General Plan where high intensity uses, such as manufacturing are planned to be located. As a development project consistent with the General Plan land use and greenhouse gas emission projections the project would not cause a cumulatively considerable projected increase in emissions and would not hinder or delay the ability of the State to reach the goal-levels set forth in the Scoping Plan. As such, the project would have a less-than-significant effect on global climate change.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 6, 7, C
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		1, 6, 7, C
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 3
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 18
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				N/A	1, 2, 7
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				N/A	1, 7
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7

h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	6, 8, 29

Comment: The project site is not located on the County of Alameda's Hazardous Waste and Substances Sites list. Daily operations at the site will involve the routine transport, storage, and handling of various hazardous materials used in the design and manufacturing processes conducted in the facility. These hazardous materials would be stored on site in tanks located within the facility and its mechanical equipment yard on the north side of the facility adjacent to the Tesla factory. All chemicals will be delivered and disposed of by a licensed chemical transporter in accordance with U.S. Department of Transportation requirements.

The applicant was required to submit a Hazardous Materials Business Plan (HMBP) for review and approval by the City of Fremont Fire Department pursuant to the California Health and Safety Code and California Fire Code. The HMBP prepared for the project analyzed the existing chemicals used at the applicant's three existing facilities located in Fremont, since the proposed facility would replace all three existing facilities by combining them into a single site. The Fire Department reviewed the HMBP and determined that the proposal did not contain hazardous materials of significant types and in sufficient quantities to require the preparation and adoption of a Risk Management Plan. The types and quantities of hazardous materials being proposed by the applicant are permissible in the General Industrial (G-I) zoning district by right, and the risk to employee safety from exposure to such materials is typical for general-industrial areas due to the nature of the zoning district and the types of heavy industrial activities that are typically conducted within it.

The project will require administrative approval through the building permit process to ensure that the design, layout and construction of the building and all mechanical equipment will not interfere with any emergency response plans or evacuation plans, or pose a public health hazard. Since there are no anticipated significant impacts involving the storage, use or handling of hazardous materials at the site, no mitigation is required.

The site has historically been used for agricultural purposes (most recently for the growing of alfalfa to feed livestock). Pesticides were applied to the land by the farmers over the years presumptively in a manner consistent with the manufacturer's specifications. A Phase I Environmental Site Assessment conducted by Versar, Inc. in 2004 included testing of multiple soil samples taken from the project site for presence of toxins including pesticides, but the test results fell below the Regional Water Quality Control Board's thresholds of concern. There has been no significant change in the use or attributes of the site since that time. As such, development of the land as proposed will not have the potential to release significant hazardous materials into the environment.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?				X	1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-				X	1, 6, 8, 14, 15, 16

	existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?					
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X			1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?				X	1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X		1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X		1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Comment: Because the project will create in excess of 10,000 square feet of impervious surface area, it is subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit which regulate the treatment of stormwater runoff on the site. The project contains approximately 13.9 acres of impervious surface area and would incorporate low impact development (LID) treatment techniques that would treat all of the on-site impervious surface area in bio-retention planters, thereby meeting the applicable C.3 requirements. The project site is not subject to hydromodification because it drains to a concrete-lined outfall at the confluence between a flood control channel as it enters a culvert and then enters a tidally-influenced drainage area to the west of the subject site. The project will be required to connect to the existing sanitary sewer, water, and stormwater systems that serve the area. Water service is the only utility not currently available to the site; therefore, the applicant will be required to extend water service to the site by connecting two existing mains that run adjacent to the property within the Kato Road public right-of-way to the southeast of the site and the Landing Parkway right-of-way across Interstate 880 to the west.

The applicant will be required to file of a Notice of Intent (NOI) with the Regional Water Quality Control Board and implement construction-phase BMPs for its stormwater pollution prevention program (SWPPP). The SWPPP will be included with the grading permit and improvement plans that include standard BMPs to reduce potential runoff pollution during construction as required by the NOI and City stormwater management and erosion/sedimentation standards. Based on the proposed site plan and preliminary grading and drainage plans, conformance to the stormwater management regulatory requirements is achievable and, as such, the project will not have significant impacts on hydrology and no specific mitigation is therefore required.

The site's proximity to the Agua Caliente Creek flood control channel and large amount of grading associated with the project could result in unintended impacts to water quality within the channel. Although the project would be subject to filing for a Notice of Intent with the Water Board and implement a SWPPP, the following mitigation is included to specify protection be in place for the adjoining water resources from potential sedimentation caused during grading activities and/or construction activities:

Mitigation Measure #4 - Construction BMPs:
Prior to issuance of the grading permit, a SWPPP shall be submitted to the City for review and approval that includes best management practices (BMPs) such as hay bales, silt fencing, placement of straw mulch and hydro seeding of exposed soils, that preclude unintended runoff from entering adjoining water bodies. The SWPPP shall remain in force from the time of issuance of the initial grading permit through completion of construction of the building and site.

The project site is located within two Federal Emergency Management Agency Flood Insurance Rate Maps (FIRMs), Panel No. 06001C0602G and Panel No. 06001C0606G, both effective August 3, 2009. According to these maps, a significant portion of the front of the property is located within a floodplain in a floodway area of the AE zone, with the remainder located in the Unshaded X zone. Lands located within an Unshaded X zone are outside of the 100-year flood zone. Lands located within a floodway area of an AE zone (near the northwest corner of the site) are subject to restrictions governing man-made encroachments that could prohibit stormwater runoff from a 100-year storm event from being conveyed downstream without substantial increases in flood height. As such, the project's design will be required to limit post-development runoff to a level equal to or less than the current runoff from the site during a 100-year storm in order to comply with the regulations governing encroachments in a floodway area of the AE zone and avoid impacting downstream flood hazards. To avoid exposing the building to potential flooding, the applicant will be required to raise the finished building pad elevation approximately 6-7 feet above existing grade at the lowest point where it currently encroaches into the flood zone.

The site is not located in an area that is susceptible to flooding or damage in the event of a levee or dam failure or a tsunami, seiche or mudflow. Therefore, the proposed development will not expose people to significant risks involving flooding, and no mitigation is necessary.

X. LAND USE AND PLANNING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	1, 2, 3, 8, C
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8, C

Comment: The project site is located in an area of the city that is largely built out with existing industrial development. As such, the project will not physically divide an established community in that it will not introduce an incompatible land use to the area. The General Plan land use and zoning designation for the site and the surrounding area are both General Industrial. The intent of these land use and zoning designations is to provide for the most intensive types of industrial uses, including heavy manufacturing,

warehousing, and corporation yards. A manufacturing facility that would engage in the design and construction of laboratory equipment and scientific testing equipment is considered an industrial use consistent with these designations and the intensity of use at 28% FAR.

There are no applicable habitat or natural community conservation plans affecting the project site.

XI. MINERAL RESOURCES - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Comment: There are no known mineral resources of importance to the state or region on the property which could be impacted by the proposed grading activities; as such, no mitigation is required.

XII. NOISE - Would the project result in:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 3, 9
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	1, 3, 9
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Comment: Because of its proximity to Interstate 880, the project site is subject to continuous noise exposure from freeway-related noise in excess of 65decibels (dB). The City evaluates commercial and industrial noise exposure levels on case-by-case basis as suitable to the actual use per the Health and Safety Element of the General Plan. Industrial uses are commonly permitted in Fremont in noise environments having a day/night average noise level (Ldn) in excess of 65 dB, as is the case for the subject site. Based on the proposed setback from the freeway for the office portion of the facility, as well as the typical noise attenuation properties of concrete tilt-up wall panels and aluminum/glass window systems being proposed to construct the facility, the project is expected to be able to attain the General Plan ambient noise standard goals and not project specific mitigation is required.

Earth-moving and construction activities will generate temporary increases in ambient noise levels which may impact adjacent properties, particularly from diesel-powered heavy construction equipment. These activities will be required to comply with the City's Noise Ordinance, which limits construction to certain times of the day to reduce noise to acceptable levels. Conformance to the City standards governing construction-related noise will result in the project having no noise impacts on adjacent uses. In addition, no sensitive receptors are located near the site. As such, no project-specific mitigation measures are required to mitigate for noise traveling off-site.

XIII. POPULATION AND HOUSING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

Comment: The proposed project would occupy a vacant portion of property located within a largely built-out industrial district that is already served by existing roadways and infrastructure. The private portion of Kato Road serving the site does not currently have water service, so the project will be required to extend existing public water mains in the area to the site. However, the land along this segment of Kato Road will remain designated for General Industrial development consistent with the General Plan and zoning; as such, the extension of the water main will not induce population growth in the area directly or indirectly. The proposal also does not involve the demolition of any existing housing stock; therefore it will not displace any residents or result in the loss of any dwelling units. As such, no mitigations for impacts to population or housing are needed.

XIV. PUBLIC SERVICES:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
	Fire protection?				X	1, 10
	Police protection?				X	1, 10
	Schools?				X	1, 10
	Parks?				X	1, 10
	Other public facilities?				X	1, 10

Comment: On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept

of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities Fees, Capital Facilities Fees, and Fire Service Impact Fees.

The proposed project is located in an area of the city where public services needed to serve the facility are already in place. With the implementation of its recommendations and project conditions of approval, the Fire Department has indicated that it would be able to adequately serve the proposed development within a reasonable response time in the event of an emergency. The applicant will be required to comply with the requirements of the California Building and Fire Codes and all local codes for building safety and security. When the applicant applies for a building permit application to construct the proposed project, it will be required to pay the applicable development impact fees for a new manufacturing facility. Payment of development impact fees will result in no significant impacts to public services.

XV. RECREATION:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	1, 2, 3, 12
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	1, A

Comment: The project consists entirely of new industrial development; no residential uses are proposed. Industrial developments are not subject to park development impact fees because they do not directly generate additional users of parks and other public recreational facilities. As such, the development will not have a direct impact on existing recreational facilities, and no mitigation is required.

XVI. TRANSPORTATION/TRAFFIC - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X	1, 2, 7
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X	1, 2, 7
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 2, 7
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?				X	1, 3, 7

e.	Result in inadequate emergency access?				X	1, 3,6, 7
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 3, 7

Comment: Access to the project site will be provided from two separate passenger vehicle driveways and one delivery truck driveway off Kato Road. Emergency vehicle access will be provided throughout the entire project site in the form of a recorded emergency vehicle access easement (EVAE) benefiting the City of Fremont Fire Department. The project will also provide new street improvements, including sidewalk and bicycle lane, thereby facilitating pedestrian and bicyclist access to the site.

The proposed project consists of office space, warehouse and manufacturing at a total building square footage of 275,000 square feet. Details of the development plan are 53,250 square feet of office and R&D floor area, 52,500 square feet of warehouse area, and 169,250 square feet of manufacturing plant area, for a total square footage of 275,000 square feet. (reference: ITE Codes #140, #150, #760, Trip Generation, Eighth Edition, published by the Institute of Transportation Engineers). Based on the proposed project development of 275,000 square feet the project is estimated to generate 1,726 total daily trips, 205 AM peak hour trips and 198 PM peak hour trips. The proposed size of the project at 28% FAR where 35% FAR is allowed conforms to the City's General Plan and zoning with regard to permitted development intensity for the site.

The City of Fremont identifies within its Mobility Element a policy of Level of Service (LOS) E as the threshold of significance for regional intersections and LOS D for local intersections. The City's Transportation Engineering Division estimates that the trip distribution to the site would be 50% to the north and 50% to the south based on this location within the City and easy immediate access to I-880. Major adjacent intersections located to the north of the project site are Fremont Boulevard/Cushing Parkway and Fremont Boulevard/I-880 Freeway ramps[1], with existing AM and PM peak hour Level of Service (LOS) at LOS B and LOS A at these intersections, respectively. Major intersections to the south and east are Warren Avenue/Warm Springs Boulevard and Mission Boulevard/Warm Springs Boulevard, with existing AM and PM peak hour Level of Service of LOS C at both intersections. With the addition of project traffic trips to the adjacent major intersections, all intersections are expected to continue to operate at an acceptable LOS D or better under the project condition. As a project consistent with the land use projections of the area and subject to payment of the City traffic impact fee, the project does not have additional cumulatively considerable contributions to cumulative traffic impacts. Therefore, the project will not have a significant impact on transportation facilities, and no project specific mitigation is required.

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the				X	10, agency notice

[1] *Source: traffic study prepared for the City by TJKM "Traffic Study for Delta Products Development" dated July 23, 2012*

	construction of which could cause significant environmental effects?					
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	10, agency notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	10, 24

Comment: All necessary utilities and services are already in place and capable of accommodating the proposed development, with the exception of municipal water service. The project would extend the existing public water main located within the Kato Road public right-of-way to the southeast parallel to the private segment of Kato Road fronting the project site approximately ½ mile northeast, and connect it to the existing main located across Interstate 880 within the Landing Parkway public right-of-way. The connection will run beneath the interstate and will require an encroachment permit from the California Department of Transportation (Caltrans). The location, alignment, and construction of the extension will also be subject to approval by the Alameda County Water District (ACWD) and City of Fremont Public Works Department.

The proposed project does not consume or require an unusual amount of municipal water; the extension is merely needed because there is currently no water service to the property. Construction of the extension in conformance to ACWD, Caltrans, and City of Fremont specifications will not result in a significant environmental impact; therefore, no mitigation is necessary.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	See Previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	See Previous

Comment: The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project will not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, will reduce all impacts the project may have to a less-than-significant level.

XIX. MITIGATION MEASURES:

Mitigation Measure #1:
Prior to the issuance of a permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure #2 - Burrowing Owl Protection:
To mitigate the identified potential impact to future occupation of the site by burrowing owls the following measures shall be shall be incorporated into the project conditions of approval and written into the construction drawings:

a) No more than 14 days prior to any ground-disturbing activities (regardless of time of year), a qualified biologist shall conduct a take avoidance survey for burrowing owls and report the findings to the City of Fremont. If no owls are found during this first survey, a final survey will be conducted within 48 hours prior to ground disturbance to confirm that burrowing owls are still absent and the results reported to the City of Fremont. If ground-disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the property must be re-surveyed. All surveys shall be conducted in accordance with California Department of Fish and Game (CDFG) 2012b guidelines.

b) If burrowing owls are found on the property during the surveys, mitigation shall be required in accordance with CDFG 2012b guidelines. If the surveys identify breeding or wintering burrowing owls on or adjacent to the property, occupied burrows shall not be disturbed and shall be provided with protective buffers. Where avoidance is not feasible, an exclusion plan shall be implemented to encourage owls to move away from the work area prior to construction. The exclusion plan shall be subject to CDFG approval and monitoring requirements and approved by the City prior to issuance of a permit for ground disturbing activities.

Mitigation Measure #3 – Nesting Bird Protection:
To mitigate the identified potential impact to nesting birds, the project should avoid construction activities during the nesting season (February 1 through August 31). If construction during the nesting season cannot be avoided, pre-construction surveys for native birds that may nest on or adjacent to the property should be conducted and findings reported on to the City. If active nests are found, appropriate buffer zones (typically 50-100 feet non-raptors, 200 feet raptors) considering context and type of activities

during construction will need to be established and approved by the City prior to initiation of ground disturbing activities. The buffer zones will need to be maintained around the nests until the nests are determined to be inactive by a qualified biologist and authorized by the City.

Mitigation Measure #4 - Construction BMPs: Prior to issuance of the grading permit, a SWPPP shall be submitted to the City for review and approval that includes best management practices (BMPs) such as hay bales, silt fencing, placement of straw mulch and hydro seeding of exposed soils, that preclude unintended runoff from entering adjoining water bodies. The SWPPP shall remain in force from the time of issuance of the initial grading permit through completion of construction of the building and site.

GENERAL SOURCE REFERENCES:

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title VIII (e.g. Planning and Zoning, Subdivision, Grading and Maps)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2010
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title IV Sanitation and Health (e.g. solid waste, tree protection, etc.)
25. City of Fremont Municipal Code Title VI Public Works and Public Utilities (e.g. streets, sidewalks, etc.)
26. City of Fremont Municipal Code Title VII Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES: [Available for review upon request]

A. Project Plans prepared by Landtech Consultants dated October 17, 2012
B. Site Reconnaissance visit by Planning Division staff, October 31, 2012
C. Biological Resource Survey conducted by LSA Associates, Inc. dated November 7, 2012
D. Phase I Environmental Site Assessment conducted by The Isosceles Group dated May 14, 2012

E. Soils Report conducted by Geotechnical Engineering, Inc. dated May 11, 2012

F. Peer Review of Soils Report by Pacific Geotechnical Engineering, dated November 27, 2012